

**REMARKS**

In the Office Action dated December 14, 2004, Claims 1-3 and 6-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,784,172 to Coleman et al. (US, 5,784,172).

Claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Coleman et al. in view of Dermer et al. (US, 5,313,570).

**Summary of the Response to the Office Action**

Applicant amends independent claims 1-2, 6-7 and 9, and dependent claim 8 to further define the invention. Accordingly, claims 1-9 are presently pending.

**All Claims Define Allowable Subject Matter****Rejection of Claims under 35 U.S.C. §§102(b) and 103(a)**

Claims 1-3 and 6-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,784,172 to Coleman et al., and claims 4 - 5 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Coleman et al. in view of Dermer et al. Applicant traverses the rejections and the Office Action's interpretation of the applied references for at least the following reasons.

Independent claims 1, 2 and 7, as amended, all recite an image processing device, including in part "an image interpreting unit that sequentially interprets the image data regardless of contents of the image data in a background of the black area." Similarly, independent claims 6 and 9, as amended, recites an image processing method, including in part "interpreting the image data sequentially regardless of contents of the image data in a background of the black area." Applicant respectfully submits that at least these features of amended independent claims

1-2, 6-7 and 9 are neither taught nor suggested by Coleman et al. and Dermer et al., whether taken singly or combined.

In contrast to the Applicant's claimed invention, Coleman et al. teaches a digital color printing method and system that automatically determines a mixture of colorants to compose a process black color (Abstract). As depicted in FIG. 9 and as described at col. 6, line 43 to col. 7, line 5, Coleman et al. implements an image processing method which selectively bypasses certain sets of image object from undergoing the additional image processes to form the output image data. Applicant respectfully submits that, as discussed specifically at column 6, lines 65 – 67, and as depicted in FIG. 9 of Coleman et al., image processing step S410 is a decision making process which selectively removes the image object made of pure black from being processed through an additional image analysis. In another words, if Coleman et al. detects an input image object composed of only single-color black, such as text in black color, this image object will bypass the steps S420 to S460 in FIG. 9 and directly form the output image data. In the present invention, however, an image processing device does not selectively remove any image objects from undergoing further image analysis.

As pointed out in MPEP §2131, '[t]o anticipate a claim, the reference must teach every element of the claim.' Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).

Accordingly, Applicant respectfully requests that the rejection of claims 1- 2, 6-7 and 9 under 35 U.S.C. § 102(b) be withdrawn since Coleman et al. fails to teach each and every element as recited in independent claims 1- 2, 6-7 and 9. In addition, Applicant respectfully submits that dependent claims 3 and 8 are allowable for at least the same reasons as set forth

above with regard to amended independent claims 1 and 7 upon which they respectfully depend, as well as the individual features of dependent claims 3 and 8 recite.

Furthermore, in light of the arguments presented above, Applicant respectfully submits that Dermer et al. fails to cure the deficiencies of Coleman et al. Accordingly, Applicant respectfully asserts that Coleman et al. and Dermer et al., whether taken singly or combined, fail to teach or suggest all the features of the claims. Thus, Applicant respectfully submits that the rejection of dependent claims 4 and 5 under 35 U.S.C. 103(a) be withdrawn because features recited in dependent claims 4 and 5 are neither taught nor suggested by the applied references, whether taken singly or combined.

### **CONCLUSION**


In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully Submitted,

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